

Good Evening,

Thanks for giving me the opportunity to speak at tonight's board meeting! I will try to be brief.

I'd like to comment on the current set back for excavation of 1000' from any dwelling in our mining ordinance. In particular how & why it's 1000'.

In late summer of 1999, a construction project to rebuild Dakota County Rd 78 (235th St W), to the West from Cedar Ave to Dakota County Rd 31 (Denmark Ave), then North on Dakota County Rd 31 (Denmark Ave) towards Farmington was started. Two gravel pits were opened up along 235th St W to supply aggregate for the project. No permits were applied for, no public hearings were held, no environmental studies performed. This was done on the verbal ok from one board member. The mines just appeared one day & started to operate. Local residents were assured that they would be open for the duration of the construction project only.

All of the negative effects of having an active gravel mine operating in close proximity to residences were immediately felt. Safety concerns with heavy truck traffic, noise & dust pollution. Dust affecting livestock feed. Quality of life issues connected to hours/days of operation, vibration from mining equipment being felt inside of residences & being visually offensive.

By Dec of 1999 public hearings were being held on the applications made by the excavating contractor to make the two temporary or "borrow pits" ongoing active mining operations. Now the residents along 235th St W were faced w/all of the concerns previously mentioned, as well as declining property values. The residents in the area joined together as a group to oppose the mining permit applications. One of the actions the group took was to have a

certified appraisal report done on representative home across from the West pit. The appraisal indicated a 20% reduction in value if mining were to continue. That home & mining operation are located just 1,500 ft to the W of the intersection of 235th St W & Essex Ave. After a series of contentious public hearings, debate at the PC & TB, the permits were denied on March 13, 2000.

At the same meeting, a moratorium was placed on accepting new gravel mining applications for a period of 9 months, with the possibility of extending the moratorium if required. This was done to give the township time to examine the current ordinance & make updates to avoid situations like this in the future. At the time the ordinance had not been updated since 1981 (almost 20 years). A task team was formed at the direction of the board to study & recommend changes to the mining ordinance by Sept 15th 2000. The task team was made up of a cross section of residents from the township. One of them was the former owner operator of what is now MPM pit on 235th St W.

One of the recommendations of the task team which was adopted into the ordinance was the 1000' setback from dwellings. It's my understanding from talking to people that were on the team, that a 1000' was a compromise number at the time. This setback helps to prevent these kind of situations where long term residents wake up one day w/an excavator operating in their front yard or right outside their bedroom window.

For most of us our homes & property are our single biggest asset. The 1000' setback gives a *minimum* level of security that gravel won't be mined in such close proximity as to immediately wipe out a huge portion of that assets value. That's in addition to all the other safety & quality of life issues previously discussed.

Now, there is a set of subjective conditions listed in ordinance 6 under setbacks. That reads in part "Not with standing the setback

requirements set forth above, at the time of permit issuance, the Town Board *MAY* impose lesser setback requirements if the town board finds the following:”

It goes on to list a set of conditions, I’m not going to read them all in the interest of saving time. The point is that it reads, “the board *MAY* impose lesser setback requirement”. It does not say the board should. It does not say the board must. It does not say the board is required to. It does not say the board is compelled to. There may indeed be situations where these conditions apply, but this isn’t one of them. To impose a gravel mine within 100’ of residences that have been located there for decades makes no moral sense. If anything less than 1000’ is approved here, that will by default become the new setback distance across the township. That makes it possible for this situation to happen just about anywhere in the township. For example, the 127 acre parcel just to the West of Essex on 235th St W that has already had gravel mining operations on it back in 1999.

I would ask the board meet at the intersection of 235th St W & Essex Ave either as a body or individually. Pull off to the side of the road on Essex Ave, get out of your vehicle & look around at the residences located there. Then look to the East & imagine what it would be like to live there w/an active mine just 100’ away, operating all day everyday. Use your imagination to feel the vibration of heavy equipment working & sound of backup alarms, all day, everyday. You’ll be able to feel the vibration & hear the backup alarms from inside the house. Turn around & picture the steady stream of heavy loaded trucks coming out of the pit. Now add in the inbound & outbound traffic from the redi mix plant. Now ask yourself if you’d like to raise your young family there & live there yourself.

11/09/20

The 1000' setback is in the ordinance for a reason. A very good reason! We've already been thru this on 235th St!
There are other reasons that this expansion should not go through.
On going issues w/compliance for one.

Thank you.

Brian Ahern

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